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David G Rosenbaum  
Rosenbaum & Associates PC  
650 DUNDEE ROAD  
SUITE #380  
NORTHBROOK IL 60062

**MAILED**  
JUN 08 2009  
OFFICE OF PETITIONS

In re Application of	:	
Palmaz et al.	:	
Application No.: 09/707685	:	DECISION ON
Filing or 371(c) Date: 11/07/2000	:	PETITION
Attorney Docket Number: 6006-015	:	

This is a decision in response to the correspondence entitled Request for Reconsideration of Petition Under 37 CFR 1.47(a), filed May 18, 2009. The correspondence is properly treated as a renewed petition for withdrawal of abandonment under 37 CFR 1.181(a), as iterated infra.

This Petition is hereby granted.

Background

The above-identified application became abandoned because of the Decision of the Board of Patent Appeals and Interferences, mailed September 30, 2008, and because the period for seeking court review of the Decision expired, and there are no claims allowed. The time for seeking review of a decision of the Board by the Court of Appeals for the Federal Circuit or the U.S. District Court for the District of Columbia is the same for both tribunals, that is, 2 months, or 2 months with the extension provided by 37 CFR 1.304 in the event a request for rehearing is timely filed before the Board, or as extended by the Director. See MPEP § 1216. Because the period for seeking court review of the Decision expired, and there are no claims allowed, the application became abandoned for failure to file a complete and proper reply to the final office action, mailed November 2, 2006. No complete and proper reply having been filed, the application became abandoned on February 3, 2007. A Notice of Abandonment was mailed December 10, 2008.

The February 10, 2009 petition

Applicant filed a petition to withdraw the holding of abandonment based upon non-receipt of the Board Decision under 37 CFR 1.181(a), which was dismissed in a Decision mailed March 16, 2009, for failing to meet the requirements of a grantable petition under 37 CFR 1.181(a).

With the present renewed petition, Applicant has demonstrated non-receipt of the Office communication by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3738 for re-mailing of the Board Decision, and re-setting the period for reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/  
Derek L. Woods  
Attorney  
Office of Petitions